

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BITTERROOT HOLDINGS, LLC,	§	
	§	
	§	
	§	
vs.	§	CIVIL ACTION NO. 5:14-cv-00862DAE
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	§	
MTGLQ INVESTORS, L.P. and	§	
BARRETT, FRAPPIER, TURNER &	§	
ENGEL, L.L.P.	§	
	§	
	§	
	§	
	§	
	§	
	§	
Defendants.	§	
	§	

DECLARATION OF JOHN HARVEY

“My name is John Harvey. I swear that the following statements are true and correct and based upon my personal knowledge. I was the former owner of the property located at 9534 Cliff Creek in San Antonio, Texas. In 2008, I defaulted on my obligations under the S. A. Creekside Homeowner’s Association and I was also unable to make the mortgage payments on my Home Equity Loan. In late 2008 and early 2009, I received a letter from Citimortgage indicating that they were accelerating my loan and were going to foreclose on my home. Based upon this letter and the lawsuit that was filed against me in 2009 by Citimortgage, I believed they were going to take my home and throw me out.

Although I had been sued by my Homeowner’s Association, the amount of the debt was approximately a few hundred dollars and I was able to pay that debt. However, I did not pay my debt

because Citimortgage sent me an acceleration letter telling me to pay the whole amount owed and filed suit against me to take my house. It did not make sense for me to pay off the HOA amount if I couldn't bring my home loan current and I was going to lose my house. I could not afford to pay the approximately \$80,000 owed on the property like they demanded. Based upon their letters and courts filings, I couldn't make payments to catch up or try to make partial payments. At the time, I was working Union Work as a Stage Hand; so, I believe I could have caught up on my mortgage by 2011. Also, I didn't know about home loan modifications programs at the time, but I would have tried to get some assistance when I did learn about them if Citimortgage hadn't accelerated the Note and sued me. Finally, as a result of the letter demanding payment in full and the lawsuits filed by Citimortgage, I moved out the home I lived at for many years. I relied on the letters and things sent to me by Citimortgage and their demands for the full balance owed on the home and that they were seeking foreclosure of my home when I made the decision to move out of my house. I relied on these representations to my detriment.

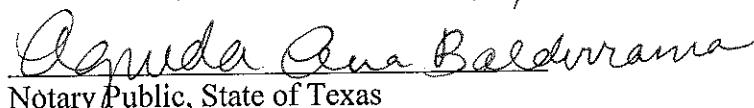
I declare the foregoing under penalty of perjury under the Laws of the United States and the State of Texas that the foregoing is true and correct.

Executed this 13th day of October, 2015



JOHN HARVEY

SUBSCRIBED AND SWORN TO before me on October 13, 2015.



AGUEDA ANA BALDERRAMA
Notary Public, State of Texas

